

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION NO. 7092 OF 2005
With
SPECIAL CIVIL APPLICATION NO. 4544 OF 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

HON'BLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be
1 allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the
3 fair copy of the judgment ?

Whether this case involves a substantial
4 question of law as to the interpretation
4 of the constitution of India, 1950 of
any order made thereunder ?

5 Whether it is to be circulated to the
5 civil judge ?

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MAHENDRAKUMAR KHODIDAS PATEL - Petitioner(s)

Versus

DIRECTOR OF MUNICIPALITIES & 3 - Respondent(s)

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Appearance :

SPECIAL CIVIL APPLICATION NO.7092 OF 2005

MR. MAHENDRA K. PATEL for Petitioner No(s).: 1.

MR. H.M.PRACHCHHAK, AGP for Respondent No(s).:1, 3 & 4

MR. N.V. ANJARIA for Respondent No(s).: 2.

SPECIAL CIVIL APPLICATION NO.4544 OF 2005

MR.K.J. VORA for Petitioner

MR.H.M. PRACHCHHAK, AGP for Respondent Nos.1 & 2.

MR.N.V. ANJARIA for Respondent No(s).3.

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**CORAM : HONOURABLE MR.JUSTICE R.S.GARG &
HON'BLE MR.JUSTICE RAVI R.TRIPATHI**

Date : 23/06/2005

COMMON ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE R.S.GARG)

1. Rule.

Mr.N.V.Anjaria, learned Counsel for the respondent-Election Commission and Patan Municipality, and Mr.H.M.Prachchhak, learned Assistant Government Pleader for the respondent-State, appear and waive service of Rule.

2. Number of arguments were raised in support of pleadings that the administrators could not be appointed and special reliance was placed on Section- 281 of the Municipalities Act, to contend that the process of election should start within reasonable time and should be concluded within reasonable time, but, after finding

that Section-281 is in relation to the transitory provision, which was to be made effective in light of 1993 Amendment, the point was given up.

3. The learned Counsel for both the petitioners, however, submitted that the State Government cannot be allowed to run the Municipalities with their Administrators nor the pawns can be placed in place of the elected authorities. We asked the learned Counsel for the Election Commission to inform us that within what time, the preparation of electoral rolls would be completed, the exercise of delimitation would be taken up and the election process would be brought to its logical end. To this, the Election Commission has filed an affidavit of one Mr.Pravin, son of Chimanlal Barot, who happens to be the Deputy Election Commissioner of the State Election Commission, contending that the elections for as many as 50 Municipalities would be completed by the end of October-2005 and for Mehsana Municipality, in view of the difficult circumstances, the elections would be completed by 31st December, 2005.

4. Taking into consideration the onerous task, which has to be undertaken by the Election Commission and the State Government, we must observe that the time schedule given by the Election Commission is perfectly justified.

It is hereby directed that the State Government, so also the Election Commission, shall proceed with the election process and would conclude the same by the dates given in the affidavit filed by Mr.Pravin Barot. Both the Special Civil Applications are disposed of accordingly. Rule is made absolute. No order as to costs.

(R.S.Garg, J.)

(Ravi R.Tripathi, J.)

*kamlesh**